

In the US District Court for the District of Oregon

Benjamin Barber Cross file in 18CV1870 AC

vs Case no 16CV 02105 AC

Vance, et al Exhibits

(Attach to Objections to Acosta's TFR and

- 1-4 Docket for 18CV00855-AC: Showing multiple parties not wanting to challenge ORS163.472 and related laws
- 4 IFP not processed
- 5 Inmate balance sheet: Showing TFP, placed in prison mailbox on 06/20/18, and paid on 06/21/18 for 18CV00855-AC
- 6 Washington County time computation: Showing Habeas Corpus and Post Conviction relief will be moot on 12/15/18
- 7 Jail photocopy request: Jail will not photocopy Habeas Corpus or Post Conviction, to comply with filing requirements
- 8-9 Washington County will not process Post Conviction Relief
- 10-11 Appellate PCR Attorney stating Washington County will not issue relief from judgement, and habeas corpus cannot be used to challenge validity of state statute
- 12-13 Appellate PCR Attorney informing court relief from judgement has been waiting 60 days
- 14-24 PCR attempted to file on 10/15/2018
- 25-26 PCR attorney motion to withdraw, Jan 29 2017
- 27 Interference with access to courts on 02/14/18
- 28-34 Example of "Access to the Court" via lay advocates
- 35 Copy of Grievance - denial of legal mail from friend.
- 36-92 Kopimism Religion and relation to ORS163.472
- 43 Acosta refuses to give Judge Simon copy right evidence
- 44 Cannot get ORS Annotated 31.150 163.472 ergo to law library

Date 11/02/18

Ben Barber



**U.S. District Court  
District of Oregon (Portland (3))  
CIVIL DOCKET FOR CASE # 3:18-cv-00855-AC**

Barber et al v. Oregon et al  
Assigned to: Magistrate Judge John V. Acosta  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 05/15/2018  
Jury Demand: None  
Nature of Suit: 550 Prisoner: Civil Rights  
Jurisdiction: Federal Question

**Plaintiff**

**Benjamin Jay Barber**

represented by **Benjamin Jay Barber**  
17-07936  
Washington County Jail  
215 SW Adams MS33  
Hillsboro, OR 97123-3874  
Email:  
PRO SE

**Plaintiff**

**Andrew Guy Moret**

represented by **Andrew Guy Moret**  
15-12458  
Washington County Jail  
215 SW Adams MS33  
Hillsboro, OR 97123-3874  
Email:  
PRO SE

**Plaintiff**

**Jay David Leatherwood**

represented by **Jay David Leatherwood**  
18-03978  
Washington County Jail  
215 SW Adams MS33  
Hillsboro, OR 97123-3874  
Email:  
PRO SE

**Plaintiff**

**Chad Dykehouse**

represented by **Chad Dykehouse**  
18-06222  
Washington County Jail  
215 Adams MS33  
Hillsboro, OR 97123  
Email:  
PRO SE

V.

**Defendant**

**Oregon**  
*Attorney General*

**Defendant**

**Alabama**  
*Attorney General*

**Defendant**

**Arkansas**  
*Attorney General*

**Defendant**

**California**  
*Attorney General*

**Defendant**

**Colorado**  
*Attorney General*

**Defendant**

**Conneticut**  
*Attorney General*

**Defendant**

**District of Columbia**  
*Attorney General*

**Defendant**

**Florida**  
*Attorney General*

**Defendant**

**Illinois**  
*Attorney General*

**Defendant**

**Louisiana**  
*Attorney General*

**Defendant**

**Maine**  
*Attorney General*

**Defendant**

**Minnesota**  
*Attorney General*

**Defendant**

**Nevada**  
*Attorney General*

**Defendant**

**New Hampshire**  
*Attorney General*

**Defendant**

**New Mexico**  
*Attorney General*

**Defendant**

**North Carolina**  
*Attorney General*

**Defendant**

**North Dakota**  
*Attorney General*

**Defendant**

**Oklahoma**  
*Attorney General*

**Defendant**

**Pennsylvania**  
*Attorney General*

**Defendant**

**Texas**  
*Attorney General*

**Defendant**

**Utah**  
*Attorney General*

**Defendant**

**Vermont**  
*Attorney General*

**Defendant**

**Virginia**  
*Attorney General*

**Defendant**

**Washington**  
*Attorney General*

**Defendant**

**West Virginia**  
*Attorney General*

**Defendant**

**Wisconsin**  
*Attorney General*

Email All Attorneys

Date Filed	#	Docket Text
05/15/2018	<u>1</u>	Application for Leave to Proceed IFP. Filed by Benjamin Jay Barber. (joha) (Entered: 05/16/2018)
05/15/2018	<u>2</u>	Complaint. Jury Trial Requested: No. Filed by Andrew Guy Moret, Benjamin Jay Barber, Jay David Leatherwood against All Defendants (Attachments: # <u>1</u> Attachment, # <u>2</u> Civil Cover Sheet). (joha) (Entered: 05/16/2018)
05/15/2018	<u>3</u>	Motion for Appointment of Counsel. Filed by Benjamin Jay Barber. (joha) (Entered: 05/16/2018)
05/16/2018	<u>4</u>	<b>Notice of Case Assignment:</b> This case is assigned to Magistrate Judge John V. Acosta. (joha) (Entered: 05/16/2018)
05/16/2018	<u>5</u>	Clerk's Notice of Mailing to Benjamin Jay Barber, Jay David Leatherwood and Andrew Guy Moret regarding Notice of Case Assignment <u>4</u> . (joha) (Entered: 05/16/2018)
05/22/2018	<u>6</u>	<b>ORDER:</b> The Application to Proceed In Forma Pauperis <u>1</u> is DENIED. Plaintiff may file an amended application curing the deficiency within 30 days of the date of this order. The amended application must bear the Civil No. 3:18-cv-00855-AC. Plaintiff

		is advised that failure to file an amended application will result in the dismissal of this proceeding. Signed on 5/22/18 by Judge Marco A. Hernandez. (Mailed order and IFP Application to Benjamin Barber) (Mailed order to other plaintiffs) (dsg) (Entered: 05/24/2018)
05/25/2018	<u>7</u>	Mail Returned – Undeliverable: Case Assignment Notice <u>4</u> sent to Andrew Guy Moret returned as undeliverable. (joha) (Entered: 05/25/2018)
06/04/2018	<u>8</u>	Mail Returned – Undeliverable: Order on motion/application for leave to proceed ifp,, <u>6</u> sent to Andrew Guy Moret returned as undeliverable. (kms) (Entered: 06/05/2018)
06/08/2018	<u>9</u>	Amended Complaint. Filed by Benjamin Jay Barber, Chad Dykehouse against Alabama, Arkansas, California, Colorado, Connecticut, District of Columbia, Florida, Illinois, Louisiana, Maine, Minnesota, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin. (dsg) (Entered: 06/11/2018)
06/08/2018	<u>10</u>	Memorandum in Support of Amended Complaint <u>9</u> . Filed by Benjamin Jay Barber. (Related document(s): Amended Complaint, <u>9</u> .) (dsg) (Entered: 06/11/2018)
06/08/2018	<u>11</u>	Motion for Appointment of Counsel. Filed by Benjamin Jay Barber. (dsg) (Entered: 06/11/2018)
06/08/2018	<u>12</u>	Motion to Certify the Class. Filed by Benjamin Jay Barber. (dsg) (Entered: 06/11/2018)
06/08/2018	<u>13</u>	Motion to Order Service by US Marshall. Filed by Benjamin Jay Barber. (dsg) (Entered: 06/11/2018)
06/08/2018	<u>14</u>	Memorandum of law in Support of Plaintiffs Motion for Temporary Restraining Order and Preliminary Injunction. Filed by Benjamin Jay Barber. (Attachments: # <u>1</u> Proposed Order) (dsg) (Entered: 06/11/2018)
06/26/2018	<u>15</u>	Application for Leave to Proceed IFP. Filed by Benjamin Jay Barber. (dsg) (Entered: 06/27/2018)
06/26/2018	<u>16</u>	Reply to Judge's Order. Filed by Benjamin Jay Barber. (Related document(s): Order on motion/application for leave to proceed ifp,, <u>6</u> .) (dsg) (Entered: 06/27/2018)
07/13/2018	<u>17</u>	Motion for Leave Amend Complaint. Filed by Benjamin Jay Barber. (dsg) (Entered: 07/16/2018)
07/13/2018	<u>18</u>	Memorandum in Support of Motion to Appoint Counsel <u>11</u> . Filed by Benjamin Jay Barber. (Related document(s): Motion to Appoint Counsel <u>11</u> .) (dsg) (Entered: 07/16/2018)
07/25/2018	<u>19</u>	Memorandum in Support of Motion to Appoint Counsel <u>11</u> . Filed by Benjamin Jay Barber. (Related document(s): Motion to Appoint Counsel <u>11</u> .) (joha) (Entered: 07/25/2018)
07/25/2018	<u>20</u>	Memorandum in Support of Class Action Certification <u>12</u> . Filed by Benjamin Jay Barber. (Related document(s): Motion to Certify Class <u>12</u> .) (joha) (Entered: 07/25/2018)
08/08/2018	<u>21</u>	Memorandum in Support of Motion to Appoint Counsel. Filed by Benjamin Jay Barber. (Related document(s): Motion to Appoint Counsel <u>11</u> .) (rs) (Entered: 08/09/2018)
08/08/2018	<u>22</u>	Motion to Compel Service by U.S. Marshal's Office Filed by Benjamin Jay Barber. (rs) (Entered: 08/14/2018)

## Resident Account Summary

Transactions from 03/18/2018 to 09/18/2018

			Aggregate			
12:29:54 PM						
7/20/2018 12:29:13 PM	Copy Charge	29 Pages	Receivable Aggregate	\$3.30	\$0.00	<b>\$139.64</b>
7/20/2018 12:28:07 PM	Copy Charge	72 Pages	Receivable Aggregate	\$7.60	\$0.00	<b>\$136.34</b>
7/18/2018 6:45:03 AM	Indigent Commissary Purchase	Indigent Charge for Order 100006753	Receivable Aggregate	\$2.97	\$0.00	<b>\$128.74</b>
7/16/2018 10:06:28 AM	Postage Charge	Manila Envelope to Oregon Supreme Court 14.45ozs	Receivable Aggregate	\$6.70	\$0.00	<b>\$125.77</b>
7/16/2018 10:03:32 AM	Postage Charge	Manila Envelope to Sheriff Pat Garrett 11.40ozs	Receivable Aggregate	\$3.31	\$0.00	<b>\$119.07</b>
7/16/2018 10:01:11 AM	Postage Charge	Manila Envelope to Oregon Attorney General 2.50ozs	Receivable Aggregate	\$1.42	\$0.00	<b>\$115.76</b>
7/13/2018 9:21:50 AM	Copy Charge	55 Pages	Receivable Aggregate	\$5.90	\$0.00	<b>\$114.34</b>
7/11/2018 6:19:27 AM	Indigent Commissary Purchase	Indigent Charge for Order 100006215	Receivable Aggregate	\$2.93	\$0.00	<b>\$108.44</b>
7/9/2018 9:16:04 AM	Copy Charge	192 Pages	Receivable Aggregate	\$19.60	\$0.00	<b>\$105.51</b>
7/3/2018 6:59:34 AM	Indigent Commissary Purchase	Indigent Charge for Order 100006142	Receivable Aggregate	\$2.97	\$0.00	<b>\$85.91</b>
6/27/2018 7:01:31 AM	Indigent Commissary Purchase	Indigent Charge for Order 100005798	Receivable Aggregate	\$2.97	\$0.00	<b>\$82.94</b>
6/21/2018 3:32:22 PM	Postage Charge	Manila Envelope to United States Courthouse 9.55ozs	Receivable Aggregate	\$2.89	\$0.00	<b>\$79.97</b>
6/20/2018 8:44:40 AM	Postage Charge	Manila Envelope to Attorney General 10.30ozs	Receivable Aggregate	\$3.10	\$0.00	<b>\$77.08</b>
6/20/2018 8:43:46 AM	Postage Charge	Manila Envelope to Oregon Supreme Court 10.45ozs	Receivable Aggregate	\$3.10	\$0.00	<b>\$73.98</b>
6/20/2018 6:40:24 AM	Indigent Commissary Purchase	Indigent Charge for Order 100005332	Receivable Aggregate	\$2.97	\$0.00	<b>\$70.88</b>
6/18/2018 8:49:19 AM	Copy Charge	252 Pages	Receivable Aggregate	\$25.60	\$0.00	<b>\$67.91</b>
6/18/2018 8:47:45 AM	Pay: Copies Charge	Pay: 6/18/2018 10:47:45 AM - Copy Charge - 16 Pages	Trust	(\$1.58)	<b>\$0.00</b>	\$42.31
6/18/2018 8:47:45 AM	Pay: Copies Charge	Pay: 6/18/2018 10:47:45 AM - Copy Charge - 16 Pages	Receivable Aggregate	(\$1.58)	\$1.58	<b>\$42.31</b>

Habeas Corpus

IFP  
18CV00555  
→

Habeas Corpus



# Washington County Jail

## Time Computation Report

W  
ABZ

Date: 10/24/2018

Booking Number: 1707936

This has been completed for: **BARBER,BENJAMIN JAY**Case Number: **16CR46339**Charge: **PROBATION VIOLATION**

Count #: 3

Orig Charge: UNLAW DISSEMINATION OF INTIMATE IMAGE MISD

Credit for Time Served:

Mandatory Release Date: **04/13/2019**

(Sentence date plus sentence minus credit in pretrial status.)

Good Time Credit:

**72 Eligible Per Judge's Order**

(See Inmate Manual for credit ranges. A jail command officer may take away days with a disciplinary sanction.)

Consecutive to Charge # 1

\*Scheduled Release Date: **01/31/2019**

(Any good-time credit is subtracted but no work credit is applied.)

\* Add Credits for:

Programs **47** Credit stopped

Work credit adjustments are made only when the inmate satisfactorily works as an inmate worker, completes a qualifying program activity, is at the Community Correction Center (CCC) in a credit-eligible capacity, or successfully completes electronic home detention (EHD) if it is not a condition of a pretrial release agreement. Work credits cannot be taken away once earned.

THESE CREDITS ARE PRECALCULATED AND ARE SUBJECT TO CHANGE.

\*Earliest Projected Scheduled Release Date: **12/15/2018**

Based on the minimum number of work credits that can be earned. (See Inmate Manual for credit ranges.) Additional credit of more than 1 for 30 days is subject to jail staff approval.

\*All types of scheduled release dates are projected. They can change anytime based on the inmate's behavior and involvement in work-credit qualifying activities.

## PHOTOCOPY REQUEST

For jail staff to make a photocopy for you, you must have a legitimate need for the copy and you must not have other means to make a copy, such as making a copy by hand or mailing the material out to have someone make a copy for you. Jail staff may not approve a request for photocopies. If the request is for a copy of legal reference materials that you can read and even copy by hand, your request normally will not be approved.

The jail will charge you the same fee as the public pays for a County staff member to make photocopies of materials (other than inmate records or criminal reports). The fee is \$0.50 for the first page and \$0.10 for each additional page. (Inmate records and criminal reports have a different fee, which is higher and cannot be requested using this form.) You must have sufficient funds in your account to pay the fee; a jail command officer may make exceptions for an indigent inmate who needs copies of legal materials. Jail staff will deduct the money from your inmate account no matter your status.

You must send requests for copies to the Jail Administration office. You must provide the information listed below. If there is any information missing, staff will not approve the request.

Name: Benjamin Barber  
 JID #: 7883170 Booking #: 17-07936 Pod 8 Account Balance: \_\_\_\_\_

What do you want copied? A class action habeas corpus with 45 Computer printed pages including Habeas Corpus forms; Informa Pauperis; inmate balance

Number of Pages: 140 Number of Copies \_\_\_\_\_ Staff Use Only: Total Number of Pages: \_\_\_\_\_

Why do you want it copied? To be released from unlawful incarceration challenging the constitutionality of ORS 163.472

See AlivAshcroft 346F3d 873, 890 Please return signed this time.

**For Legal Materials:**

What case? (Give title and number): Benjamin Barber, Jay David Leatherwood, Jacob Patrick Holter vs Pat Garrett

What court are you going through? US District Court of Oregon

What type of matter (appeal, writ, etc.)? writ of Habeas Corpus

Are you represented by counsel? (Circle one) Yes  No

X Ben Barber  
Inmate Signature

09-25-18

Date

Pod Deputy: Send to Jail Administration

Staff Use Only		
First page	\$	0.50
Add'l pages	X \$0.10 =	_____
Total cost	\$	_____

Jail Command Officer Response:  Approved  Not Approved

Your request is denied. You do not have money on your account.  
Your request also contains legal paperwork for other inmates.  
You cannot make copies of other inmates paperwork.

S Brown E4380 9/28/18  
Signature / DPSST # / Date

**WASHINGTON COUNTY CIRCUIT COURT**

150 N. 1<sup>st</sup> Avenue

Hillsboro, Oregon 97124

(503) 846-8888

(503) 846-4863 TTY

For ADA accommodations, call (503) 846-8767

October 23, 2018

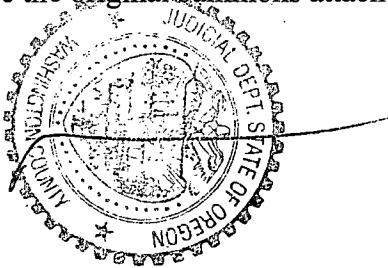
Benjamin Barber  
Booking #1707936  
215 SW Adams MS 35  
Hillsboro, OR 97123

Re: Attached motion

The attached documents are being returned to you for the following reason(s):

- No filing fee enclosed. Please resubmit with \$\_\_\_\_\_.
  - Incorrect filing fee. Please resubmit with \$\_\_\_\_\_.
  - Signature missing on check.
  - Incorrect payee - should be STATE OF OREGON.
  - Personal checks are not accepted.
  - Pleading must be on 8 1/2 " x 11" paper.
  - Incorrect case number.
- Case number missing.**
- Not a Washington County Court case number.
  - A Petition for Removal to the US District Court has been filed in this case. All further pleadings must be filed with the US District Court.
  - The Return; proof of service is not an original document.
  - The Return; proof of service does not have the original summons attached.
  - Other:

TLK



**WASHINGTON COUNTY CIRCUIT COURT**

150 N. 1<sup>st</sup> Avenue

Hillsboro, Oregon 97124

(503) 846-8888

(503) 846-4863 TTY

For ADA accommodations, call (503) 846-8767

October 23, 2018

Benjamin Barber  
Booking #1707936  
215 SW Adams MS 35  
Hillsboro, OR 97123

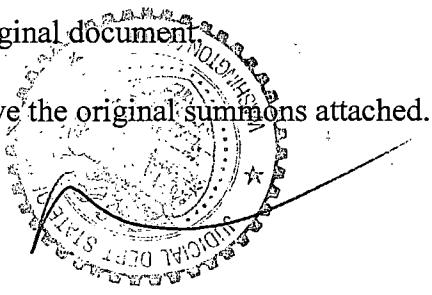
Re: Attached petition for PCR

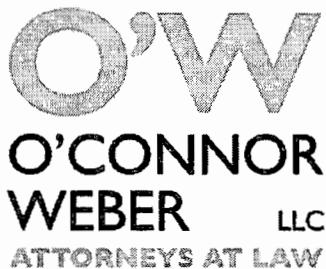
The attached documents are being returned to you for the following reason(s):

**No filing fee enclosed. Please resubmit with \$265.00. A PCR case may be filed by only 1 petitioner and signed by that petitioner.**

- Incorrect filing fee. Please resubmit with \$\_\_\_\_\_.
- Signature missing on check.
- Incorrect payee - should be STATE OF OREGON.
- Personal checks are not accepted.
- Pleading must be on 8 1/2 " x 11" paper.
- Incorrect case number.
- Case number missing.
- Not a Washington County Court case number.
- A Petition for Removal to the US District Court has been filed in this case. All further pleadings must be filed with the US District Court.
- The Return; proof of service is not an original document.
- The Return; proof of service does not have the original summons attached.
- Other:

TLK





1500 SW First Avenue, Suite 1090  
Portland, Oregon 97201  
Phone: 503-226-0923  
<http://oconnorweber.com>

October 10, 2018

Benjamin Barber, SID# 17474177  
Booking #17-07936  
215 SW Adams St MS-33  
Hillsboro, OR 97124

*Re: Habeas Appeal  
Washington County Case No. 18CV21272  
Court of Appeals Case No. A168163*

Mr. Barber:

I am writing in response to two postcards I recently received from you. It is my understanding that the post-cards relate to the post-conviction case that I represent you in as opposed to the habeas case. That status of your post-conviction case is that it will have been 60 days that the rule 71 motion that I filed has been pending on the Washington County Circuit Court. Previously, I informed that court that your appeal is being held in abeyance pending the trial court's decision on the rule 71 motion. This Saturday, will be the 60th day that the motion has been pending. I have drafted a notice to the court pursuant to UTCR 2.030 that I intend to file this Friday – if the trial court has not ruled on the motion by then.

To be clear, if the motion is granted then the court will hopefully provide you with substitute counsel so that you can litigate the merits of your claims. You can try to file a successive petition now, but the court will charge you a filing fee for a successive petition. As compared to if the court grants your rule 71 motion you have already paid a filing fee in that case.

With regard to the habeas case that I have been appointed to represent you on. I have now had a chance to review the petition that you filed and the judgment (there is no transcript and I don't yet have the trial court file). Based on my review of those two documents it appears that you are seeking relief based on your conclusion that ORS 163.472 is unconstitutional. Assuming for the sake of argument that you are correct and ORS 163.472 is constitutional, that is not a state habeas claim, rather, that is a claim that could only be raised in post-conviction proceedings. State habeas relief is only for two purposes, if you are being unlawfully held in custody or if the conditions of your confinement violate the state or federal constitutions. In contrast ORS 138.530 sets out the types of claims that may be raised in post-conviction relief. A claim that the a statute is unconstitutional would likely fall under ORS 138.530(1)(a) or subsection (d) ("Unconstitutionality of the statute making criminal the acts for which petitioner was convicted."). In short, based on what I know now, it appears that the trial court correctly dismissed your habeas petition without prejudice. Put differently, I have not as yet identified any potentially meritorious

issue to appeal in the habeas case. I will let you know of my final assessment once I obtain a copy of the trial court file.

Sincerely,

S/ Jason Weber

Jason Weber

**IN THE CIRCUIT COURT OF THE STATE OF OREGON**

**IN THE COUNTY OF WASHINGTON**

BENJAMIN BARBER, aka Benjamin Jay Barber,	Washington County Circuit Court Case No. 17CV44670
Petitioner,	CA-A167498
v.	Notice to Court
PAT GARRETT, Sheriff, Washington County,	
Defendant.	

## **NOTICE TO COURT**

Pursuant to Uniform Trial Court Rule (UTCR) 2.030, I am writing to inform this court that the joint rule 71 motion filed on August 13, 2018, will have been pending for 60 days as of Saturday, October 13, 2018. UTRC 2.030 provides in part: "(1) If any judge shall have any matter under advisement for a period of more than 60 days, it shall be the duty of all parties to call the matter to the court's attention forthwith, in writing."

DATED October 12, 2018.

Respectfully submitted,

/s/ Jason Weber

Jason Weber, OSB No. 054109  
O'Connor Weber LLC  
1500 SW 1<sup>st</sup> Avenue, Suite 1090  
Portland, OR 97201  
[jason@oconnorweber.com](mailto:jason@oconnorweber.com)  
(503) 226-0923  
Attorney for Petitioner  
Benjamin Barber, a.k.a.  
Benjamin Jay Barber

## CERTIFICATE OF SERVICE

I certify that on October 12, 2018, I electronically filed and served via U.S. Mail the foregoing  
Notice to Court hereto by addressed to the following:

Ms. Rayney Meisel Washington County Circuit Court  
Washington County DA's Office 150 N 1st Avenue MS37  
150 N 1st Ave Ste 300 MS40 Hillsboro, OR 97124  
Hillsboro OR 97124

Benjamin Barber, a.k.a. Benjamin Jay Barber  
SID #17474177  
Washington County Jail  
215 SW Adams MS-33  
Hillsboro, OR 97123

DATED October 12, 2018.

Respectfully submitted,

/s/ Jason Weber

Jason Weber, OSB No. 054109  
O'Connor Weber LLC  
1500 SW 1<sup>st</sup> Avenue, Suite 1090  
Portland, OR 97201  
[jason@oconnorweber.com](mailto:jason@oconnorweber.com)  
(503) 226-0923  
Attorney for Petitioner  
Benjamin Barber, a.k.a.  
Benjamin Jay Barber

In the matter of

Benjamin Barber

Case no:

Jay David Leatherwood

Jaycob Patrick Holton

Petitioners

vs

Pat Garrett, Sheriff

Defendant

Petition for Post Conviction Relief

ORS 138.510 - ORS 138.680

1

Comes now the petitioners, pro-se, to petition this Court for post conviction relief pursuant to ORS 138.510 et seq., to be released from imprisonment and confinement and to expunge their conviction from their criminal record.

2

Petitioners have all been convicted of statute ORS 163.472 which is an unconstitutional statute violating the first amendment of the US Constitution, and preempted by 17 USC § 301 of the Copyright Act and 47 USC § 230 of the Communications Decency Act. "Any content or viewpoint based restriction of speech is presumptively invalid, and the government bears the burden to rebut the presumption" United States v. Playboy 529 US 803, 817.

3

Either the images are provided by another person, and 47 USC § 230 provides immunity, and for the person who took the picture, ORS 163.472 creates equivalent rights to those under copyright under 17 USC § 301. Or the images belong to the plaintiff, and they are immune under 17 USC § 201, and the government is still creating rights equivalent to copyright under 17 USC § 301. In addition to violating the first amendment in any case.

decided by the Court. Complete discovery, and the petition should be reviewed before the Court because it has not had a chance to judge on its merits and have not had a chance to hear the parties argue their case before the Court appealed in A167496 18CV14984, however Judge Erwin said it was not properly filed and Leathwood filed a post conviction relief. At the hearing and was represented by himself. This was dismissed without prejudice because petitioner was A167496 where the court of appeals committee said the case was appealed to the Oregon Court of Appeals, in case no before this court granted a motion to dismiss. The case was withdrawn as cause for a conflict of interest, and was initially represented by Tom McNamee, who filed a motion to withdraw on July 17<sup>th</sup> by Judge Hansen. Defendant filed a post conviction relief 17CV44670 before the court granted a motion to dismiss. The case was appealed to the Oregon Court of Appeals, in case no 18CR44240 on November 9<sup>th</sup> 2016 by Judge Roberts. The state of Oregon vs Guy David Leathwood (case no 16CR44639) in the Washington County Circuit Court in the State of Oregon vs Beatty Ammi Barber (case no 16CR44639 on November 9<sup>th</sup> 2016 by Judge Roberts (iii) The state of Oregon vs Guy David Leathwood (case no 16CR44639) in the Washington County Circuit Court in the State of Oregon vs Beatty Ammi Barber (i) The state of Oregon vs Beatty Ammi Barber (ii) The state of Oregon vs Guy David Leathwood (case no 16CR44639 on November 9<sup>th</sup> 2016 by Judge Hansen are implemented by virtue of a judgment and sentence

6

MR Barber was represented at trial by Cameron Taylor  
MR Leatherwood was represented at trial by Ted Occialino

MR Holton was represented at trial by Cassidy Rice.

Cameron Taylor, Ted Occialino, Cassidy Rice are all employed by Metropolitan Public defenders

MR Barber was represented by Jon Weiner at PCR

7

MR Barber was convicted after a jury trial after a breakdown in attorney client relationship, Leatherwood took an unintelligent plea, Holton took an illusory and unintelligent plea and filed a motion of arrest judgement

8

At the present time petitioners are unable to retain counsel or pay the filing fee and seek a deferral or waiver of the filing fees.

9

The petition is timely because it is being entered within 2 years of the date of the judgement in trial court.

10

The petitioner believes that the conviction, sentence, and the proceedings described above was, and is, illegal, and they were denied their rights under ORS 138.530, based on the following claims for relief.

11

First claim for relief: ORS 163.472 violates the 1<sup>st</sup> Amendment to the US Constitution, and Article 1 section 8 of the Oregon Constitution because it is a content and viewpoint based restriction of speech and prior restraint.

12

Second claim for relief: ORS 163.472 is impermissibly vague and overbroad as to its application, because it impermissably chill's protected speech and is applied on an ad hoc basis.

13

Third claim for relief ORS 163.472 violates Article VI, cl 2 of the US Constitution, because Congress explicitly and completely preempted it with 17 USC § 201(c), 301(a) and 47 USC § 230

14

Fourth claim for relief: ORS 163.472 violates the due process clause of the Fourteenth Amendment, because it applies a strict liability or a "reasonable person" scienter or mens rea.

15

Fifth claim for relief: ORS 163.472 violates Article I sections cl 2 the Commerce clause, by regulating and burdening interstate commerce where Congress has acted

16

Sixth claim for relief: ORS 163.472 violates the taking clause of the 5<sup>th</sup> Amendment of the US Constitution, And Article I section 18 of the Oregon Constitution, by taking intellectual property recognized under national and international law, from the author and gives it to another person.

17

Seventh claim for relief: ORS 163.472 violates the contract clause in Article I section 10 of the US Constitution and Article I section 11 of the Oregon Constitution. Because the language of "does not consent" in the statute supersedes a contract or a promise made previously by the author.

18

Eighth claim for relief: The indictments violated the 6<sup>th</sup> Amendment by being unconstitutionally vague, and they did not establish proper venue of the trial. Because the probable cause affidavits purged the site of the crime as the victim's address, presumably where the victim was "harassed, humiliated, or injured" and not where the crime was committed by the defendant. Moreover the indictment did not state the time, place, or why the defendant was not subject to an exception in the statute, or how he "should have known" the victim "does not consent".

19

Ninth claim for relief: Ineffective assistance of counsel which was objectively negligent and prejudiced the defendants and did not follow clients trial strategy

20

Tenth claim for relief: Leatherwood and Holten took an unintelligent plea due to ineffective assistance of counsel.

21

Eleventh claim for relief: violation of the due process rights under Brady v. Maryland under the 14<sup>th</sup> Amendment due to purged probable cause affidavit as to the location.

22

Twelfth claim for relief: Conviction is void because of the "fair notice" provisions of the due process clause of the 14<sup>th</sup> Amendment. Because Barber's victim consented by contract and also disseminated the images. Holten's victim also disseminated intimate images under contract with pornhub with him, and Leatherwood's victim disseminated intimate images of him during the incident.

Sixteen claim rejected: violations of BWRB's due process rights under the 14th Amendment, where the jury instruction had a burden shifting "reasonable person" standard and did not include the option to the jury that he would have agreed to the Shultz plan if he could have

98

三

fourteen-year-old son of Bunker's right hand  
the die-hards clause of the Lincoln Amendment pursued  
to Bunker's dismay. The proslavery faction chose  
exclusionary clauses which would not bind the  
deaf mute [sic] had about the same effect as the

10

The legal claim for relief: Violation of defendant's 14th Amendment  
Equal protection clause rights, and their rights under Article I  
Section 20 and 46 of the Oregon Constitution, due to selective  
prosecution. While Burns and also LaRue would also be  
violations of ORS 163.472, and the prosecutor also knew this  
and did not prosecute, more over, the gravity of the statute by  
Ellen Rosebourn was made to considerably the effects on women.

Σ

27

Seventeenth claim for relief: violation of Barber's due process rights, where he attempted to file a motion to arrest judgement, motion to acquit, and motion to remove, and the motions were not preserved for the record.

28

Eighteenth claim for relief: violation of Barber's due process rights, where the DA had argued in demurrer that ORS 163.472 did not apply to public figures whose lives are thoroughly investigated by others, or people who consentually share nude images to anonymous third parties in sexual solicitations, and where such evidence was authenticated on the record.

29

Nineteenth claim for relief: violation of Barber's due process rights, where Barber sent to the arresting officer evidence which was exculpatory, including a contract where the victim consents to transparency, and allow others to access information about our social interactions, and where he had shown that the victim lied about such agreement, and such evidence was not disclosed to the Court.

30

Twentieth claim for relief: victims purged DMCA claim to be the copyright owner, cannot be the sole method to "reasonably know" victim does not consent due to *in pari delicto*. Such representation was made "under the penalty of perjury" and victim can't benefit from unlawful behavior, it also violates Barber's 14th Amendment rights to be held only when guilty beyond a reasonable doubt.

31

Twenty first claim for relief : "Newly Dislosed evidence. Barber had evidence he wanted to disclosure to the Court and provided to his attorney the DA, and the Court. However the evidence was not entered into the court nor considered because he was represented by counsel.

32

Twenty second claim for relief : Brady violation by the prosecution asking the trial Court judge to obtain all cameras and online accounts, in response to a 42 USC § 1983 lawsuit in federal Court, where prosecution knew there was exculpatory evidence on those systems

33

Twenty third claim for relief : Barber filed a notice to remove to Federal Court for lack of subject matter jurisdiction 17 USC § 301 Trial Court summarily continued despite filing this notice therefore judgment is void or forum non judice.

34

Twenty fourth claim for relief : Brady violation where Barber's arresting officer was about to reading defendant's emails to him with exculpatory evidence and waited 17 days to write a report not reflective of the conversation he had, and claiming he needed "special equipment" to record a phone call, when he uses an android smart phone

35

Twenty fifth claim for relief : "Albion Park" has educational, scientific, or medical purpose, where it was deposited into the Braverman Library at the University of Washington New media department.

PAGES

36

Twenty Sixth claim for relief: Disclosure served the public interest, where people from europe were investigating Barber - a quasi public figure according to the Oregonian website, and victim gave them the pornography to coerce Barber with, and victim admits she falsely accused Barber of rape, after asking him to partake in her rape and BDSM fantasies recorded in the images

37

Twenty seventh claim for relief: District Attorney prejudiced the jury in closing arguments, by claiming that Barber's videos in question would appear next to child porn, and that it would affect her as a teacher, where there was no evidence that "pornhub" has any child porn.

38

Twenty Eighth claim for relief: Court had no personal jurisdiction, where the events took place in Multnomah County, and the state's investigator and peace officer stated that the events took place in Multnomah County, therefore the judgement is void

39

Twenty Ninth Claim for relief: Images were disclosed because Barber could not afford to host them on a private server and he had dropped and broke his external hard drive

40

where the plaintiffs seek to have their convictions reversed and all records of their arrest and conviction expunged

Date

PAGE 9

*My Note  
Ben Barber*

David L. Smith

卷之三

*Montgomery County Court*

Panhandle Shrubland  
Chloris glauca 117 Pad 993

جعفر بن محبث

provided a notice claim to Gladwin 417 P-2d 493 in 1973 Vito J. Mohlyniuk intended to settle it. Subsequently the appellate court rejected both the trial court's decision and the denial was

359-1  
Without prejudice, and that he would make no objection to the motion for removal from judgment, but could not act on it.

Document 22

20210  
ISRAEL OVERMAN, USE OF INFORMATION OF PICTURES

and numbers are probably realm of Cultural Copyright  
silence of Chardison found in 515.121 did not

The Chinese folk are completely fascinated by their *Yantra* mantras.

卷之三

See also Chinese Range Lamp & Pot above No. C-1130 for  
Pecos Indian Pottery Association, Puebloans, 1822-1833

1  
2  
3 BENJAMIN BARBER,

Petitioner,

4 vs.  
5  
6 PAT GARRETT,

7 Defendant.  
8

Case No.: 17CV44670

9 DECLARATION OF JON WEINER IN  
10 SUPPORT OF MOTION TO EXTEND  
11 TIME TO FILE FIRST AMENDED  
12 PETITION

13 Pursuant to ORCP 1E, I, Jon H. Weiner, do hereby declare as follows:

14 1. I am the attorney assigned by this office to represent petitioner Benjamin  
15 Barber in the above-entitled post-conviction proceeding. Our firm was appointed to this  
16 case on or around October 20, 2017.

17 2. I had submitted to the court on January 29, 2017 a Motion to Withdraw as  
18 Counsel for Petitioner in this case. The court has informed my staff on February 8, 2018  
19 that a hearing will be set regarding this motion.

20 3. Based upon the foregoing, we request an extension of 60 days in which to  
21 file the First Amended Petition for Post-Conviction Relief.

22 4. We have conferred with Rayney Meisel, counsel for defendant, who  
23 advised that there are no objections to this motion.

24 //

//

//

1 – DECLARATION OF JON WEINER IN SUPPORT OF  
MOTION TO EXTEND TIME RE: FIRST AMENDED  
PETITION

LAW OFFICE OF JON WEINER  
Attorneys at Law  
1415 Commercial St SE  
Salem, OR 97301  
Tel. (503) 399-7001  
Fax (503) 399-0745

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty of perjury.

4 Dated this 8<sup>th</sup> day of February 2018

*/s/ Jon Weiner*

JON H. WEINER, OSB #993944  
jweiner@nw-attorneys.com  
Attorney for Petitioner

Washington County Jail

# INFORMAL DISCIPLINARY ACTION

Incident No:	Category:	Type:	DateTime:	Location:	Created By:
<b>180000947</b>	<b>INFORMAL</b>	<b>DISCIPLINARY MISCONDUCT REPORT</b>	<b>02/14/2018 15:33</b>	<b>JL-P4-07</b>	<b>50213</b>
Name:	BkgNo:	Inmate Loc:	Classification:		
<b>BARBER,BENJAMIN JAY</b>	<b>1707936</b>	<b>JL-P4-07</b>	<b>1MIN</b>		

Remarks: *In the medical unit which is locked but also used by others*  
 You allowed Per Sgt. Iverson 4 inches of legal paperwork in your cell. You are refusing to allow the paperwork to be removed and placed in area that you will have access too. You are refusing a order by me. You will have a 24 hour lockdown and if further issues arise you will be written up formally.

*When I ask and get permission to use the medical unit by a deputy who may be too busy to leave me alone with needles and medicine.*

**Repeated Informal Discipline Action:**

Any inmate who receives three (3) or more Informal Disciplinary Actions within a thirty (30) day period may be subject to a Formal Disciplinary Report. If found guilty of violating WCJ-020.01 (Repeated Informal Discipline Sanctions) the inmate may be placed on Disciplinary Segregation and/or lose certain privileges as explain in the Inmate Manual.

It is your responsibility to read and adhere to the rule of the Washington County Jail as explained in the Inmate Manual or given to you by jail staff. It is not a valid defense if you were unaware of the jail rules. Additional information about the disciplinary process is available in the Inmate Manual.

**VIOLATIONS**

No:	Violation:	Description:
1	WCJ-004.02	Disobedience of Staff Order

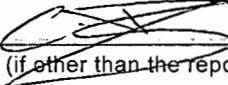
**SANCTIONS**

	SANCTION	SUSPENDED	IMPOSED
Sanction:	Days:	Hours:	Days: Hours:
Cell Restriction	0	24	0 0 24 . 30

**\* Behavior Review Period:**

One or more of the sanctions imposed contains a portion of time which is suspended. As a result of receiving time off your sanction you will automatically be placed on a Behavior Review Period (BRP). If during the BRP you are found in violation of any rules, any or all suspended time can be re-imposed in conjunction with any new violations incurred.

**STAFF**

Issuing Staff:	Signature:	Staff ID:	Date / Time:
<b>C. Ingram</b>		<b>50213</b>	<b>02/14/2018 15:36</b>
INMATE SERVED: [ ] By Reporting Staff	(if other than the reporting staff, fill in the line below)		
Serving Staff:	Signature:	Staff ID:	Date / Time:

**REVIEW STAFF**

Notified: <b>Sgt. Siemiller</b>	Date / Time:
------------------------------------	--------------

Endo 7

Dear Ben,

I got sent back the mail containing the transhumanist groups I sent earlier last week due to postage, I'm sending it again along with this letter. You had mentioned briefly over the phone that you wanted me to send you something else but I couldn't make out what you were saying and the letter you sent doesn't say what it was.

I'm a bit relctant to give too much personal information in these letters anymore, apparently someone working in that jail is aware of your /cow/ thread and has been leaking information onto it. Connel's doxx was posted there and now goon also has my address.

Ironically enough ronmartin found shermans dox through Connel's. Sherman hasn't been seen on the mumble since but I could probably find him on IRC. He actually drives a fed van lmao.

Also, I'm not sure if you're aware of this or not but I only recently found this out; VSQ was the one who called the authorities on you. He admitted it himself. Not even sure how he had the information to get you arrested, no one knew where you were and I don't think you mentioned it to anyone.

That thing about having to trade food is pretty rough, I'm sorry to hear that. I would send you some blank postcards but the prison sheet they sent me says that's not allowed. Aside from that, how are the other inmates treating you?

Also, I checked the website recently to see about your release and it still says you're due to get released in a few months. Are you absolutely certain your sentence was increased 3 years? I tried to tell everyone but they don't listen and just keep saying "no stupid he's getting out in a few months"

-lurch

## Lewis v. Casey, 518 U.S. 343 (1996)

(a) *Bounds* did not create an abstract, freestanding right to a law library or legal assistance; rather, the right that *Bounds* acknowledged was the right of *access to the courts*. E. g., 430 U. S., at 817, 821, 828. Thus, to establish a *Bounds* violation, the "actual injury" that an inmate must demonstrate is that the alleged shortcomings in the prison library or legal assistance program have hindered, or are presently hindering, his efforts to pursue a nonfrivolous legal claim. This requirement derives ultimately from the doctrine of standing. Although *Bounds* made no mention of an actual injury requirement, it can hardly be thought to have eliminated that constitutional prerequisite. Pp.349-353.

(b) Statements in *Bounds* suggesting that prison authorities must also enable the prisoner to *discover* grievances, and to *litigate effectively* once in court, 430 U. S., at 825-826, and n. 14, have no antecedent in this Court's *pre-Bounds* cases, and are now disclaimed. Moreover, *Bounds* does not guarantee inmates the wherewithal to file any and every type of legal claim, but requires only that they be provided with the tools to attack their sentences, directly or collaterally, and to challenge the conditions of their confinement. Pp. 354-355.

JUSTICE SCALIA delivered the opinion of the Court.

In *Bounds v. Smith*, 430 U. S. 817 (1977), we held that "the fundamental constitutional right of access to the courts requires prison authorities to assist inmates in the preparation and filing of meaningful legal papers by providing prisoners with adequate law libraries or adequate assistance from persons trained in the law." *Id.*, at 828. Petitioners, who are officials of the Arizona Department of Corrections (ADOC), contend that the United States District Court for the District of Arizona erred in finding them in violation of *Bounds*, and that the court's remedial order exceeded lawful authority.

Having thus found liability, the court appointed a Special Master "to investigate and report about" the appropriate relief—that is (in the court's view), "how best to accomplish the goal of constitutionally adequate inmate access to the courts." App. to Pet. for Cert. 87a. Following eight months of investigation, and some degree of consultation with both parties, the Special Master lodged with the court a proposed permanent injunction, which the court proceeded to adopt, substantially unchanged. The 25-page injunctive order, see *id.*, at 61a-85a, mandated sweeping changes designed to ensure that ADOC would "provide meaningful access to the Courts for all present and future prisoners," *id.*, at 61a.

It specified in minute detail the times that libraries were to be kept open, the number of hours of library use to which each inmate was entitled (10 per week), the minimal educational requirements for prison librarians (a library science degree, law degree, or paralegal degree), the content of a videotaped legal-research course for inmates (to be prepared by persons appointed by the Special Master but funded by ADOC), and similar matters. *Id.*, at 61a, 67a, 71a. The injunction addressed the court's concern for lockdown prisoners by ordering that "ADOC prisoners in all housing areas and custody levels shall be provided regular and comparable visits to the law library," except that such visits "may be postponed on an individual basis because of the prisoner's documented inability to use the law library without creating

See also: Johnson v Avery 393 us 483 (1969)

Florida

Sexual Cyberharassment. Misdemeanor of First Degree, Felony of Third Degree for Second or Subsequent violations. Florida Statute 784.049. [Goes into effect October 1, 2015]

**Office of Attorney General**

**State of Florida**

**The Capitol PL-01**

Tallahassee, FL 32399-1050

Idaho

Video Voyeurism. Felony. § 18-6609, Idaho Code.

**Office of the Attorney General**

**700 W. Jefferson Street, Suite 210**

**P.O. Box 83720**

**Boise, Idaho 83720-0010**

North Carolina

Disclosure of private images, class H felony (Class 1 misdemeanor if under age 18); General

**North Carolina Department of Justice**

**114 W Edenton St, Raleigh, NC 27603**

Alaska

Harassment in the Second Degree. Alaska Stat. § 11.61.120.

**Alaska Department of Law**

**1031 West 4th Avenue, Suite 200**

**Anchorage, AK 99501**

New Hampshire

Nonconsensual dissemination of private sexual images. Felony. N.H. Rev. Stat. § 644:9-a.

**New Hampshire Attorney General**

**33 Capitol St, Concord, NH 03301**

Oregon

Unlawful Dissemination of an Intimate Image. Class A Misdemeanor, Class C Felony if Recidivist. ORS 161.005.

**Oregon Department of Justice**

**1162 Court St. NE**

**Salem, OR 97301-4096**

West Virginia

Nonconsensual disclosure of private intimate images. Misdemeanor. § 61-8-28a, Code of West Virginia. Effective July 7, 2017.

**West Virginia Attorney General**

**Civil Rights Division**

**P.O. Box 1789,**

**Charleston, WV 25326**

Wisconsin

Representations Depicting Nudity. § 942.09, Code of Wisconsin.

**Attorney General**

**17 W Main Street**

**PO Box 7857**

**Madison, WI 53703-7857**

Vermont

Unlawful Disclosure of Sexually Explicit Images Without Consent. Misdemeanor. Sec. 2. 13 V.S.A. § 2606.

**State of Vermont, Office of the Attorney General.**

**109 State Street Montpelier, VT 05609-1001.**

Virginia

Unlawful Dissemination or Sale of Images of Another Person. Class 1 Misdemeanor. § 18.2-386.2, Code of Virginia.

**Office of the Attorney General**

**202 North Ninth Street**

**Richmond, Virginia 23219**

Maryland

Stalking and Harassment. § 3-809, Maryland Code.

**Maryland Attorney General**

**200 St. Paul Place, Baltimore, MD 21202**

Washington

Wrongful distribution of intimate images. Gross Misdemeanor. Title 9A RCW. Effective Date TBD.

**Washington Attorney General**

**Washington St SE • PO Box 40100 • Olympia, WA 98504**

General Session law

Copyright Statute Law

Delaware

Violation of Privacy. Class B Misdemeanor, Class G Felony if Aggravating Factors are Present. § 1335, Title 11, Delaware Code.

**Delaware Department of Justice**

**Carvel State Building**

**820 N. French St.**

**Wilmington, DE 19801**

Utah

Distribution of intimate images, misdemeanor. § 76-5b-203, Utah Code.

**Office of the Attorney General**

**Utah State Capitol Complex**

**350 North State Street Suite 230**

**SLC UT 84114-2320**

District of Columbia

Criminalization of Non-Consensual Pornography Act of 2014, felony, D.C. Law 20-275.

**District of Columbia Attorney General**

**441 4th Street, NW, Washington, DC 20001**

Arkansas

Unlawful distribution of sexual images or recordings, Class A misdemeanor. Arkansas Code 5-26-314 [effective July 22, 2015]

**Arkansas Attorney General**

**323 Center Street, Suite 200**

**Little Rock, Arkansas 72201**

North Dakota

Distribution of intimate images without or against consent, Class A misdemeanor; Section 12.1-17-07.2 of the North Dakota Century Code.

**Office of Attorney General**

**600 East Boulevard Avenue, Department 125**

**Bismarck, ND 58505-0040**

Texas

Unlawful Disclosure or Promotion of Intimate Visual Material. Class A Misdemeanor. Texas Penal Code 21.16. [Effective September 1, 2015]

**Office of the Attorney General**

**PO Box 12548**

**Austin, TX 78711-2548**

Pennsylvania

Unlawful Dissemination of Intimate Image. Second Degree Misdemeanor, First Degree if Person Depicted is a Minor. Title 18 Pennsylvania Consolidated Statutes §3131.

**Pennsylvania Office of Attorney General**  
**Strawberry Square, Harrisburg, PA 17120**

Michigan

Misdemeanor, Sec. 145e. See also Sec. 145ff first offense punishable by 93 day sentence or fine up to \$500.

**Michigan Attorney General**  
**Cadillac Place, 10th Floor**  
**3030 W. Grand Blvd., Suite 10-200**  
**Detroit, MI 48202**

Hawaii

Violation of Privacy in the First Degree. Class C Felony. Hawaii Revised Statutes, § 711-1110.9.

**Department of the Attorney General**  
**425 Queen St, Honolulu, HI 96813**

Nevada

Unlawful Dissemination of an Intimate Image. Category D Felony. NRS, Chapter 200, §2-6.

**Nevada Attorney General**  
**555 E Washington Ave # 3900, Las Vegas, NV 89101**

New Jersey

Invasion of Privacy, Third Degree. § 2C:14-9, New Jersey Code.

**Office of The Attorney General.**  
**RJ Hughes Justice Complex.**  
**25 Market Street, Box 080.**  
**Trenton, NJ 08625-0080.**

New Mexico

Unauthorized Distribution of Sensitive Images. Misdemeanor, Fourth Degree Felony if Recidivist. New Mexico Criminal Code.

**Attorney General**  
**408 Galisteo Street**  
**Villagra Building**  
**Santa Fe, NM 87501**

Colorado

Posting a Private Image for Harassment (18-7-107) and Posting a Private Image for Pecuniary Gain (18-7-108). Class 1 Misdemeanor. Colorado Revised Statutes 18-7-107 and 18-7-108.

**Colorado Department of Law**

**Ralph L. Carr Judicial Building  
1300 Broadway, 10th Floor  
Denver, CO 80203**

Iowa

Harassment or Invasion of Privacy. Aggravated misdemeanor. Section 708.7, Code 2017.

**Office of the Attorney General  
Hoover Building, 1305 E Walnut St, Des Moines, IA 50319**

Louisiana

Non-Consensual Disclosure of Intimate Image. R.S. 14:283.2.

**Department of Justice  
Post Office Box 94005  
Baton Rouge, LA 70804**

Oklahoma

Nonconsensual Dissemination of Sexual Images. Misdemeanor. Section 1040.13b of Title 21.

**Office of the Attorney General  
313 NE 21st St, Oklahoma City, OK 73105**

Illinois

Non-Consensual Dissemination of Private Sexual Images. Class 4 Felony. § 11-23.5, Illinois Criminal Code.

**Illinois Attorney General  
100 West Randolph Street. Chicago, IL 60601**

Alabama

Distributing a private image. First offense, Class A misdemeanor, punishable by up to a year in jail. Subsequent offenses, Class C felonies, punishable by up to 10 years in prison. SB301. Code of Alabama 1975 Secs 15-20A-4 to 15-20A-43 amended.

**Alabama Attorney General  
501 Washington Ave, Montgomery, AL 36130**

Maine

Unauthorized Dissemination of Certain Private Images, class D crime, Sec. 1. 17-A MRSA 511-A.

**Maine Attorney General  
6 State House Station Augusta, ME 04333**

Georgia

Invasion of Privacy. Misdemeanor. Georgia Code Title 16 Chapter 11 Article 3 Part 1 16-11-90.

**Attorney General of Georgia  
40 Capitol Square SW, Atlanta, GA 30334**

Tennessee

Unlawful Exposure. Class A Misdemeanor. Tenn. Pub. Act ch. 872.

**Attorney Generals Office  
John Sevier Building 37243-0705  
500 Charlotte Ave, Nashville, TN 37219**

Connecticut

An Act Concerning Invasions of Privacy: Unlawful Dissemination of an Intimate Image. Class A Misdemeanor. Conn. Gen. Stat. § 53a-189c.

**Office Of The Attorney General  
55 Elm St., Hartford 06106**

Arizona

Unlawful distribution of images depicting states of nudity or specific sexual activities. If disclosed by electronic means, Class 4 felony. If threatens to disclose but does not disclose, Class 1 Misdemeanor. Arizona Revised Statutes, 13-1425

**Arizona Attorney General  
Phoenix Office  
1275 West Washington Street  
Phoenix, AZ 85007-2926**

California

Disorderly Conduct, Misdemeanor. California Penal Code 647(j)(4)

Search Results

**Office of the Attorney General  
1300 "I" Street. Sacramento, CA 95814-2919**

South Dakota

Invasion of Privacy. Class 1 Misdemeanor, Class 6 Felony if Person Depicted is a Minor and Perpetrator is at least 21 years old. Section 4 of Chapter 22-21.

**Office of the Attorney General**  
**1302 E Hwy 14**  
**Suite 1**  
**Pierre SD 57501-8501**

Kansas

Breach of Privacy, felony. Kan. Stat. § 21-6101(a)(8).

**Kansas Attorney General Derek Schmidt**  
**120 SW 10th Ave., 2nd Floor**  
**Topeka, KS 66612**

Minnesota

Nonconsensual dissemination of private sexual images. Misdemeanor; felony if causes financial loss, intent to profit, intent to harass, posted to porn site, other factors. Also, conviction for nonconsensual dissemination of private sexual images qualifies as a prior "qualified domestic violence-related offense" that enhances penalties for convictions for domestic assault, 4th & 5th degree assault, stalking, and violation of a harassment restraining order. Minn. Stat. § 617.261.

**Minnesota Attorney General**  
**445 Minnesota St, St Paul, MN 55101**

NC Gen Stat annotated 14-190.5A

ND. Century Code § 12.1-17-07.2

OK Oklahoma statute annotated § 10411.13b

ORS Annotated 163.472

PA Pennsylvania Cons Statute Annotated § 3131

Tennessee Code annotated § 39-17-318

Texas Penal Code annotated § 21.16

Utah Code annotated § 76-5b-203

Vermont statute Annotated title 13§ 2606

Virginia Code annotated § 18.2-386.2

Washington Revised Code Annotated § 9A.86.010

Wisconsin Statute annotated § 942.109

Aug 8th a/c from Sgt Shadley

in R Barber

thank you for meeting with me to discuss this grievance, per our conversation, I explained per our policy we do not accept correspondence that contains pornographic material. You stated this mail was sent in from a friend and not an attorney or law firm; which is also not allowed per policy. I explained to you the jail has extreme deference. When deciding what kind of correspondence may or may not raise safety and security issues in the facility. Pornographic material is one that we have decided does. In talking with you, I do not believe we have denied you legal mail or have caused you injury from your conditions of confinement.



WIKIPEDIA

# Missionary Church of Kopimism

The **Missionary Church of Kopimism** (in Swedish *Missionerande Kopimistsamfundet*), is a congregation of file sharers who believe that copying information is a sacred virtue<sup>[1][2][3]</sup> and was founded by Isak Gerson,<sup>[4]</sup> a 19-year-old philosophy student,<sup>[5]</sup> and Gustav Nipe in Uppsala, Sweden in the autumn of 2010.<sup>[6]</sup> The Church, based in Sweden, has been officially recognized by the Legal, Financial and Administrative Services Agency as a religious community in January 2012, after three application attempts.<sup>[4][7]</sup>

Gerson has denied any connection between the Church and filesharing site The Pirate Bay,<sup>[8]</sup> but both groups are associated with the Swedish art and hacking collective Piratbyrån.

## Contents

- Name
- Tenets
- International locations
- First wedding
- Controversies
- See also
- References
- External links

## Name

The name Kopimism derives from the words *copy* and *me* which are the fundamental roots of the Church's beliefs and calls for an invitation to copy information. The work "Kopimi" first showed up on a pirate Agency Forum.<sup>[9]</sup> Isak Gerson, one of the core founders saw something beautiful and theological in this concept of "copy me"<sup>[10]</sup> and argued that the digital sharing of data is a fundamental act in our universe through the reproduction and copying of cells, DNA, and genes<sup>[11]</sup> and that the entirety of the internet is essentially for sharing.<sup>[12]</sup>

Gerson has been credited with once saying, "The only thing we can do as Christians now, I suppose, is to do what Jesus tried doing – and do it better."<sup>[13]</sup>

## Tenets

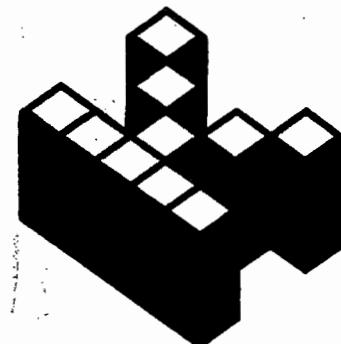
The followers of the religion are called *Kopimists* from *copy me*. A "Kopimist" or "Kopimist intellectual" is a person who has the philosophical belief that all information should be freely distributed and unrestricted. This philosophy opposes the monopolization of knowledge in all its forms, such as copyright, and encourages file sharing of all types of media including music, movies, TV shows, and software.<sup>[14]</sup> In fact, the act of withholding and economizing information through copyright is against the sacredness of information.<sup>[15]</sup> In its spiritual emphasis on copying as an ideal, Kopimism shares values with Chinese aesthetic traditions, in which "copying is valued not only as a learning tool (as it is in the West) but as artistically satisfying in its own right," a concept also called *duplicature*.<sup>[16]</sup>

According to the church, "In our belief, communication is sacred."<sup>[1]</sup> No belief in gods or supernatural phenomena apart from Kopimi itself is mentioned on their web site. CTRL+C and CTRL+V, the common computer shortcut keys for "Copy" and "Paste," are considered sacred symbols. Some groups believe that Kopimi is considered to be a god, and others believing it to be a sacred symbol and spirit residing within every living being.

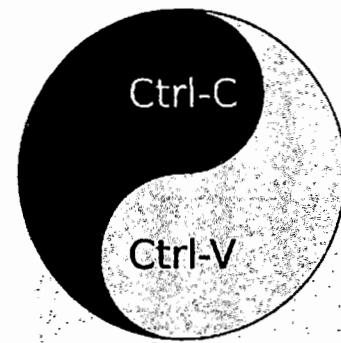
The community also holds a religious service known as "kopyacting" in which information is distributed to the believers using photocopiers.<sup>[17]</sup>

According to the Kopimist constitution:<sup>[18]</sup>

- Copying of information is ethically right;
- Dissemination of information is ethically right;
- Copymixing is a sacred kind of copying, more so than the perfect, digital copying, because it expands and enhances the existing wealth of information;
- Copying or remixing information communicated by another person is seen as an act of respect and a strong expression of acceptance and Kopimistic faith;
- The Internet is holy (Not generally accepted by churches run by the Maesters);



The Kopimi symbol



Ctrl-C, Ctrl-V

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- Copying or remixing information communicated by another person is seen as an act of respect and a strong expression of acceptance and Kopimistic faith;
  - The Internet is holy (Not generally accepted by churches run by the Maesters);
  - Code is law.

On January 5, 2012, Kopimism was accepted by Sweden as a legitimate religion with an estimated 4,000 members.<sup>[11]</sup> The religion's association with illegal file sharing has been said not to be a sign that illegal file-sharing will be excused from Sweden's zero-tolerance approach to the controversial matter.<sup>[4]</sup>

## International locations

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Kopimism has also taken root in multiple nations, including:<sup>[19]</sup>

- Canada
- Japan
- Israel
- United States of America (including in the state of Illinois in the United States where Kopimism has registered as a non profit 503(c) organization in the form of a church.<sup>[20]</sup>)

## First wedding

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On April 28, 2012, the Missionary Church of Kopimism held their first wedding.<sup>[21]</sup> The wedding took place in Belgrade, Serbia, between a Romanian woman and an Italian man. The holy ceremony was conducted by a Kopimistic Op, wearing a Guy Fawkes mask, while a computer read vows and some of Kopimism's central beliefs aloud.<sup>[22]</sup>

The church declared: "We are very happy today. Love is all about sharing. A married couple shares everything with each other. Hopefully, they will copy and remix some DNA-cells and create a new human being. That is the spirit of Kopimism. Feel the love and share that information. Copy all of its holiness."

Gerson, the missionary leader of the Church of Kopimism, attended as a witness during the wedding.

## Controversies

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Both founders, Gerson and Nipe have had an extensive background in online activism and served as major players in the Swedish Anti-Piracy Movement<sup>[23]</sup> which caused many journalists and government officials in Sweden to speculate on the real goals of the creation of this organization.

There was severe backlash amongst the media and Christian journals in 2011 after the founders first submitted their application for registering as a religion as journalists condemned the Missionary Church of Kopimism as "a political adventure",<sup>[24]</sup> "a PR stunt",<sup>[25]</sup> and "a devaluation of religion".<sup>[26]</sup>

## See also

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- Anti-copyright
- Culture vs. Copyright
- Gift economy
- Information wants to be free
- List of new religious movements
- Parody religion

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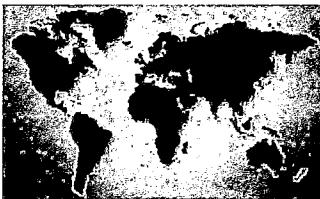
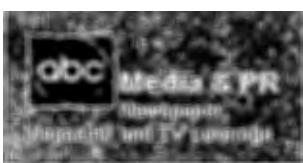
## External links

- Official website (<http://www.kopimistsamfundet.se/english>)

Retrieved from "[https://en.wikipedia.org/w/index.php?title=Missionary\\_Church\\_of\\_Kopimism&oldid=851817702](https://en.wikipedia.org/w/index.php?title=Missionary_Church_of_Kopimism&oldid=851817702)"

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As one of the earliest organizations discussing technologies that are today changing what it means to be human, the Extropy Institute has a history of being ahead of the curve.

â€” Simon Smith, Editor

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Extropy Institute is a networking ideas exchange devoted to developing strategies for the future. Extropy is a symbol for continued progress and reflects the extent of a living or organizational systemâ€™s intelligence, functional order, vitality, and capacity and drive for improvement. Extropy is an essential element of transhumanism.

#### **Prologue: What is the Purpose of the Principles of Extropy?**

Philosophies of life rooted in centuries-old traditions contain much wisdom concerning personal, organizational, and social living. Many of us also find shortcomings in those traditions. How could they not reach some mistaken conclusions when they arose in pre-scientific times? At the same time, ancient philosophies of life have little or nothing to say about fundamental issues confronting us as advanced technologies begin to enable us to change our identity as individuals and as humans and as economic, cultural, and political forces change global relationships.

The Principles of Extropy first took shape in the late 1980s to outline an alternative lens through which to view the emerging and unprecedented opportunities, challenges, and dangers. The goal was and is to use current scientific understanding along with critical and creative thinking to define a small set of principles or values that could help make sense of the confusing but potentially liberating and existentially enriching capabilities opening up to humanity.

The Principles of Extropy do not specify particular beliefs, technologies, or policies. The Principles do not pretend to be a complete philosophy of life. The world does not need another totalistic dogma. The Principles of Extropy do consist of a handful of principles (or values or perspectives) that codify proactive, life-affirming and life-promoting ideals. Individuals who cannot comfortably adopt traditional value systems often find the Principles of Extropy useful as postulates to guide, inspire, and generate innovative thinking about existing and emerging fundamental personal, organizational, and social issues.

The Principles are intended to be enduring, underlying ideals and standards. At the same time, both in content and by being revised, the Principles do not claim to be eternal truths or certain truths. I invite other independent thinkers who share the agenda of acting as change agents for fostering better futures to consider the Principles of Extropy as an evolving framework of attitudes, values, and standards and as a shared vocabulary to make sense of our unconventional, secular, and life-promoting responses to the changing human condition. I also invite feedback to further refine these Principles.

**Extropy** â€” The extent of a living or organizational systemâ€™s intelligence, functional order, vitality, and capacity and drive for improvement

**Extropic** â€” Actions, qualities, or outcomes that embody or further extropy

#### **A Note on the Use of "Extropy"**

For the sake of brevity, I will often write something like â€œextropy seeksâ€œ or â€œextropy questionsâ€œ. You can take this to mean â€œin so far as we act in accordance with these principles, we seek/question/studyâ€œ. â€œExtropyâ€ is not meant as a real entity or force, but only as a metaphor representing all that contributes to our flourishing. Similarly, when I use â€œweâ€ you should take this to refer not to any group but to anyone who agrees with what they are reading. Rather than assuming any reader to be in full agreement with every one of these principles, this usage instead imagines a hypothetical person who has integrated the principles into their life and actions. Each reader is, of course, at liberty to reject, modify, or affirm each principle separately. What this tentative, conjectural approach to the Principles of Extropy loses in terms of compelling emotive power, it gains in terms of reasonableness and openness to innovation and improvement.

ExI

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# Extropianism

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**Extropianism**, also referred to as the philosophy of *Extropy*, is an "evolving framework of values and standards for continuously improving the human condition".<sup>[1]</sup> Extropians believe that advances in science and technology will some day let people live indefinitely. An extropian may wish to contribute to this goal, e.g. by doing research and development or by volunteering to test new technology.

Originated by a set of principles developed by the philosopher Max More, *The Principles of Extropy*,<sup>[2]</sup> extropian thinking places strong emphasis on rational thinking and on practical optimism. According to More, these principles "do not specify particular beliefs, technologies, or policies". Extropians share an optimistic view of the future, expecting considerable advances in computational power, life extension, nanotechnology and the like. Many extropians foresee the eventual realization of indefinite lifespans, and the recovery, thanks to future advances in biomedical technology or mind uploading, of those whose bodies/brains have been preserved by means of cryonics.

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## Extropy

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The term 'extropy', as an antonym to 'entropy' was used in a 1967 academic volume discussing cryogenics<sup>[3]</sup> and in a 1978 academic volume of cybernetics.<sup>[4]</sup> Diane Duane was the first to use the term "extropy" to signify a potential transhuman destiny for humanity.<sup>[5]</sup> Also published in 1983 was J. Neil Schulman's Prometheus Award winning novel, *The Rainbow Cadenza* which used the term "extropic" as a type of scale in visual music.<sup>[6]</sup> 'Extropy' as coined by Tom Bell (T.O. Morrow) and defined by Max More in 1988, is "the extent of a living or organizational system's intelligence, functional order, vitality, energy, life, experience, and capacity and drive for improvement and growth." Extropy is not a rigorously defined technical term in philosophy or science; in a metaphorical sense, it simply expresses the opposite of entropy.

## The Extropy Institute

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In 1986 More joined Alcor, a Cryonics company, and helped establish (along with Michael Price, Garret Smyth and Luigi Warren) the first European cryonics organization, Mizar Limited (later Alcor UK).<sup>[7]</sup> In 1987, More moved to Los Angeles from Oxford University in England to work on his Ph.D. in philosophy at the University of Southern California.

In 1988, *Extropy: The Journal of Transhumanist Thought* was first published. (For the first few issues, it was "Extropy: Vaccine for Future Shock".) This brought together thinkers with interests in artificial intelligence, nanotechnology, genetic engineering, life extension, mind uploading, idea futures, robotics, space exploration, memetics, and the politics and economics of transhumanism. Alternative media organizations soon began reviewing the magazine, and it attracted interest from like-minded thinkers. Later, More and Bell co-founded the Extropy Institute, a non-profit 501(c)(3) educational organization. "ExI" was formed as a transhumanist networking and information center to use current scientific understanding along with critical and creative thinking to define a small set of principles or values that could help make sense of new capabilities opening up to humanity.

The Extropy Institute's email list was launched in 1991 (and, as of April 2015, continues to exist as "Extropy-Chat"), and in 1992 the institute began producing the first conferences on transhumanism. Affiliate members throughout the world began organizing their own transhumanist groups. Extro Conferences, meetings, parties, on-line debates, and documentaries continue to spread transhumanism to the public.

In 2006, the board of directors of the Extropy Institute made a decision to close the organisation, stating that its mission was "essentially completed."<sup>[8]</sup>

## Extropism

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Extropism is a modern derivation of the transhumanist philosophy of Extropianism. It follows the same tradition - hence the similarity in

- Endless eXtension
- Transcending Restriction
- Overcoming Property
- Intelligence
- Smart Machines

Extropists desire to prolong their life span to a near-immortal state and exist in a world where artificial intelligence and robotics have made work irrelevant. As in utilitarianism, the purpose of one's life should be to increase the overall happiness of all creatures on Earth through cooperation.<sup>[9]</sup>

*The Extropist Manifesto* was written by web entrepreneur Breki Tomasson and writer Hank Pellissier - both of whom have had a long transhuman interest - in January, 2010.<sup>[9]</sup> It details the ways in which Extropism has evolved away from Extropianism, while continuing to build upon its original tenets. For example, it moves away from the original Extropian Principles<sup>[10]</sup> by placing a significant focus on the need to abolish and/or restrict the current use of surveillance, copyright and patent laws.<sup>[9]</sup>

## See also

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- Biopunk movement
- Cyborg anthropology
- Democratic transhumanism
- Digital probabilistic physics
- *Eclipse Phase*, a tabletop game which uses the philosophy in its futuristic setting.
- Futures studies
- Holism
- Law of Complexity/Consciousness
- Meliorism
- Negentropy
- Posthuman
- Proactionary Principle
- Sustainability
- Systems philosophy
- Systems thinking
- Transhumanism

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## External links

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Retrieved from "<https://en.wikipedia.org/w/index.php?title=Extropianism&oldid=845754332>"

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U.S. District Court

District of Oregon  
Notice of Electronic Filing

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Case Name: Barber v. Vance et al

Case Number: 3:16-cv-02105-AC

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Document Number: 356(No document attached)

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Docket Text:

ORDER by Judge Acosta - DEFERRING ruling on plaintiff's request for judicial notice [353] of copyright registration, pending Judge Simon's ruling on Findings and Recommendation (ECF #341). ORDER: DENYING plaintiff's motion to compel [354] to compel clerk of court to locate video evidence of copyright. (copy of this order mailed to plaintiff) (peg)

3:16-cv-02105-AC Notice has been electronically mailed to:

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For jail staff to make a photocopy for you, you must have a legitimate need for the copy and you must not have other means to make a copy, such as making a copy by hand or mailing the material out to have someone make a copy for you. Jail staff may not approve a request for photocopies. If the request is for a copy of legal reference materials that you can read and even copy by hand, your request normally will not be approved.

The jail will charge you the same fee as the public pays for a County staff member to make photocopies of materials (other than inmate records or criminal reports). The fee is \$0.50 for the first page and \$0.10 for each additional page. (Inmate records and criminal reports have a different fee, which is higher and cannot be requested using this form.) You must have sufficient funds in your account to pay the fee; a jail command officer may make exceptions for an indigent inmate who needs copies of legal materials. Jail staff will deduct the money from your inmate account no matter your status.

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